PATENT Attorney Docket No. 62961 (52398)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Dmitry Ponomarenko

SERIAL NO.:

10/008,599

GROUP NO.:

2878

FILING DATE:

December 3, 2001

EXAMINER:

Patrick J. Lee

TITLE:

Optical Multi-Gate Device and Method

Office of Finance Receipts Division – Refunds Section U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

REQUEST FOR RETURN OF FEES UNDER 37 C.F.R. §1.26

- 1. Applicant filed a Petition For Extension of Time under 37 CFR 1.138(a), for a three-month extension, via facsimile transmission on April 27, 2005. The Petition For Extension of Time under 37 CFR 1.138(a) authorized the USPTO to charge \$510.00 for this fee to Applicants' representative's deposit account number 04-1105.
- 2. The USPTO mistakenly charged for this fee twice (charging a total of \$1020, instead of \$510.00) to Applicants' representative's deposit account number 04-1105 on 29-April-05.
- 3. Applicants' undersigned representative respectfully requests a refund of \$510.00, which is the amount of the extra fee charge for the three-month extension of time fee charged to Applicants' representative's deposit account. Please credit Applicants' representative's deposit account for the amount refunded.

4. Please telephone Applicants' undersigned representative to discuss any outstanding issues.

Date: July 2602005

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PTO/S8/22 (12-04)
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U.S. Palent and Tradement Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no pursons are required to reapond to a col n of information unloss # displays a valid OMB control nur PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.138(a) **Docket Number (Optional)** FY 2005 62961(52398) (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).) Application Number 10/008,599-Conf. #2470 Filed December 3, 2001 OPTICAL MULTI-GATE DEVICE AND METHOD For **Art Unit** 2878 Examiner P. J. Lee This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): **Eee** Small Entity Fee One month (37 CFR 1.17(a)(1)) \$120 \$60 \$ Two months (37 CFR 1.17(a)(2)) \$450 \$225 \$ Three months (37 CFR 1.17(a)(3)) \$1020 \$510 510.00 Four months (37 CFR 1.17(a)(4)) \$1590 \$795 Five months (37 CFR 1.17(a)(5)) \$2160 \$1080 \$ Applicant claims small entity status. See 37 CFR 1.27. A check in the amount of the fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director has already been authorized to charge fees in this application to a Deposit Account. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-1106 _ . I have enclosed a duplicate copy of this sheet. I am the applicant/inventor. assignce of record of the entire Interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95). attorney or agent of record. Registration Number attorney or agent under 37 CFR 1.34. Registration number if acting yelder 37 CFR 1.34 35,393 win April 27, 2005 Splature Date Robert J. Tosti (617) 517-5584 Typed or printed name Telephone Number ros of all the invaniery or assignoes of record of the embra interest or thair representative(s) are required. Submit multiple forms if more ure is required, see bulow. NOTE: Sie Total of forms are submitted I hereby cartily that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 703-872-8308. Delect: April 27, 2006

(Maggie C. Hamelin)

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Signature:

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